

## REMARKS

Claims 40-43 are pending in the present application. The Examiner has rejected Claims 40, 42 and 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,966,671 (Mitchell) in view of U.S. Patent No. 6,529,713 (Seymour), and further in view of U.S. Patent 6,873,317 (Griffin), and now further in view of U.S. Patent No. 6,178,338 (Yamagishi). The Examiner has rejected Claim 41 under 35 U.S.C. §103(a) as being unpatentable over Mitchell in view of Seymour, Griffin, and Yamagishi, and further in view of U.S. Patent No. 5,915,228 (Kunihiro).

Regarding the rejection under §103(a) of independent Claim 40, the Examiner states that Mitchell in view of Seymour, and further in view of Griffin, and further in view of Yamagishi renders the claim unpatentable. Mitchell discloses a radiotelephone having an auxiliary actuator and method for operating said radiotelephone; Seymour discloses a handset; Griffin discloses a hand-held electronic device with a keyboard optimized for use with the thumbs; and, Yamagishi discloses a communication terminal apparatus and method for selecting options using a dial shuttle.

Claim 40 recites a method for using a multi-function key in a watch-type portable phone, the watch-type portable phone having a multi-function key with a protrusion adapted to slide in an up/down direction or a left/right direction, and be pressed substantially perpendicular to the up/down and left/right directions, a display for displaying at least one of digits and characters, and at least one hierarchal menu for selecting various functions, that includes generating at least one input signal by performing at least one of the following multi-function key manipulations: a) pressing the protrusion of the multi-function key at least once to generate a first input signal; b) sliding the protrusion of the multi-function key in the up/down direction to generate a second input signal; and c) sliding the protrusion of the multi-function key in the left/right direction to generate a third input signal, wherein the at least one of digits and characters are input by displaying sets of the at least one of digits and characters, sliding the protrusion in the up/down direction or the left/right direction, moving a cursor by generating at least one of the second and

third input signals over at least one of a character and a digit displayed in the sets of the at least one of digits and characters, and selecting by generating the first input signal the at least one of the character and the digit below the cursor.

First, the single multi-function key defined in Claim 40 has, in addition to its at rest position, at least five (5) positions, as follows: up, down, left, right, and pressed. The actuator of Mitchell has only three (3) positions: up, down and pressed. The thumb wheel of Griffin has only three (3) directions: rotate up, rotate down, or press. The dial shuttle of Yamagishi has only three (3) positions: up, down or depressed. Therefore, no combination of any of the references teaches or discloses a single multi-function key adapted to slide in an up/down direction and a left/right direction, and be pressed.

Second, no combination of any of the references teaches using a multi-function key to move a cursor over a character or digit, i.e. identifying a character or digit, by sliding the multi-function key up/down and left/right. The only reference that discusses characters or digits is Griffin, and Griffin uses a key pad to identify characters or digits, and not its thumbwheel.

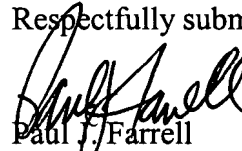
Third, no combination of any of the references teaches using a multi-function key to select the character or digit, identified by the position of the cursor, by pressing the multi-function key. Again, the only reference that discusses characters or digits is Griffin, and Griffin uses a key pad to select characters or digits, and not its thumbwheel.

Based on at least the foregoing, withdrawal of the rejection under §103(a) of independent Claim 40 is respectfully requested.

Without conceding patentability per se of dependent Claims 41-43, it is respectfully submitted that Claims 41-43 are believed to be allowable by virtue of their dependence on Claim 40.

Accordingly, all of the claims pending in the Application, namely, Claims 40-43, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd., Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/MJM/dr